IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL L. HOOD,	)	CASE NO. 4:09CV3245
	)	
Plaintiff,	)	
	)	
vs.	)	**MEMORANDUM**
	)	**AND ORDER**
MICHAEL J. ASTRUE,	)	
COMMISSIONER, SOCIAL	)	
SECURITY ADMINISTRATION,	)	
	)	
Defendant.	)	

This matter is before the Court on the Defendant's motion for attorney fees (Filing No. 25).

The request is made under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. The Defendant responded, stating that he does not object to the dollar amount. However, the Defendant notes the procedure described in *Astrue v. Ratliff,* 130 S. Ct. 2521 (2010) (holding that an EAJA fee award is payable to the litigant and therefore subject to a government offset to satisfy a pre-existing debt owed to the federal government). *See Stephens v. Astrue,* No. 4:09CV04027, 2010 WL 3522434, at **2-3 (W.D. Ark. Sept. 2, 2010) (awarding EAJA fees directly to Stephens, noting that, however, if Stephens executed an assignment to counsel of all rights in an attorney fee award and if Stephens owed no outstanding debt to the federal government the fee should be awarded to counsel). The Defendant notes that once the Court awards the EAJA fee to the Plaintiff, he will verify whether the Plaintiff owes a debt to the United States that is subject to offset. Assuming no debt is owed, the fee will be made payable to Plaintiff's counsel based on Plaintiff's assignment to counsel of his EAJA fees (Filing No. 26, Ex. C).

The Court will grant the motion, and the fee will be awarded to the Plaintiff under the procedure followed in *Ratliff* and its progeny.

IT IS ORDERED:

1.   The Defendant's motion for attorney fees (Filing No. 25) is granted; and

2.   Attorney fees in the amount of $4,351.00 are payable to the Plaintiff, and the Defendant is directed to consider the Plaintiff's assignment to counsel of EAJA fees and any outstanding debt of the Plaintiff to the federal government.

DATED this 14th day of January, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge